

SURINAME

Suriname Business Climate and Innovation Program (SUBCIP) SU-L1043 Law expert to compile a privacy law for Suriname and conduct training and awareness

Terms of Reference

1. Background

1.1 Although Suriname has experienced recent sustained economic growth over the last 10 years, its economy depends mainly upon gold, oil and bauxite, showing vulnerability to unpredictable swings in international prices of these main exports.¹ Revenues from commodity prices and bilateral grant flows did not promote a legal and institutional framework that favors private sector investment. Thus, the authorities seek to engage in structural reforms to transition to a new economic model—one with a diversified production basket, and a less vulnerable economic base that fosters greater participation of the private sector in economic activity. The Government of Suriname Development Plan (2012–2016) gives special consideration to good governance, social development, economic diversification, education for competitive skills and building a knowledge society, protection of natural resources, and management of the impact of climate change. Concerning the business climate, the Development Plan concentrates on enhancing governance, innovation and competitiveness. A clear and concise strategy to achieve these specific goals, in the context of a modern industrial policy making structure, is needed to guide public and private actors.

1.2 Suriname has an insufficiently modernized legal and institutional framework to promote private sector led growth, diversification and innovation. The current legal framework needs to be updated to support private sector activity. Suriname ranks 106 out of 148 countries in the Global Competitiveness Report 2013-2014, with institutions ranking 82 out of 148, technological readiness 105, and innovation 124. Furthermore, it ranks 161 out of 189 countries in the World Bank’s “Ease of Doing Business” indicator, and 189 in the indicator of protecting investors. The lack of an adequate business climate and strong institutions hinder investor confidence, private sector activity and growth.²

Based on the aforementioned background the Program Suriname Business Climate and Innovation will address among others, Sub-component III.1. Modernizing institutions in charge of the implementation of legal reforms. This sub-component will support the

¹ Fritz Krokow, et al. Suriname toward Stability and Growth. International Monetary Fund. 2009.

² NORTH, D. Institutions, Institutional Change and Economic Performance, Cambridge University Press.

implementation of the legal reforms described in sub-component II.1.a, by supporting the modernization and capacity building of the ministry in charge of the reforms (MTI) and other governmental institutions to enhance their current functions. This component will finance the set up and implementation of amongst others the privacy law to protect personal information. Privacy law refers to the laws that deal with the regulation of personal information about individuals, which can be collected by governments and other public as well as private organizations and its storage and use. Core principles that a privacy law seeks to protect are:

- a. Right to access of information in documentary form in the possession of public authorities;
- b. Recognition of the privacy of individuals by protecting personal information processed by private organizations;
- c. Accuracy and security of information;
- d. Involvement of the data subject;
- e. Limits to collection, use, retention and disclosure of personal information within established exceptions.

2. Objective of the consultancy:

2.1. General objective of the consultancy is to create a legal framework for data protection/protection of privacy in Suriname.

2.2. The specific objectives of the consultancy are:

- a. to draft a model privacy law for Suriname;
- b. to share international best practices in this area, both in the area of legislation and implementation;
- c. to conduct stakeholder meetings;
- d. to support the GoS with drafting of secondary legislation;
- e. to provide training on the new legislation;
- f. to create a toolkit for training purposes;
- g. to conduct awareness activities.

3. Main activities:

3.1 This consultancy will focus on:

- Review existing laws and regulations to protect Privacy (international and legal statutes);
- Conduct a comprehensive literature review of Privacy to identify best practices and models;
- Conducting stakeholders meetings;
- Drafting of a model law attending recent trends in the field (best practices and models);
- Support government official(s) during the further drafting of the law (amongst others by reviewing and commenting the draft law and explanatory notes; give advice whether to

amend other legislation that will be affected and advising and assisting on the drafting of secondary legislation as well as on implementation);

- Support government authorities during the legislative process until final approval of the law (amongst others by giving presentations or further explanation if so requested).

4. Deliverables & reporting:

4.1. Deliverables:

The consultant will:

- submit a work plan and the reports mentioned hereafter under “Reporting”;
- create and submit a toolkit for trainers;
- provide a training plan and schedule;
- provide an awareness plan and schedule;
- submit a model law on Privacy together with explanatory notes.

4.2. Reporting:

The consultant will submit the following reports:

- an inception report with working plan and (possible) policy considerations;
- a midterm report;
- a final report.

5. Methodology

The consultant will use all the relevant studies that have been carried out by the Bank, the GoS as well as other institutions as background information and will carry out consultations with relevant stakeholders, in both the public and private sector, for the completion of the law.

6. Coordination and supervision

The technical responsibility of this consultancy will be coordinated by the Legal Taskforce of the Ministry of Trade and Industry, together with the external legal expert, Mrs. Marcela Anzola LL.M.

7. Characteristics of the consultancy

7.1. Consultant category & modality: Individual Consultant.

7.2. Contract duration: 180 working days.

7.3. Place(s) of work: Consultants place of residence, with 4 trips to Suriname.

The trips to Suriname are as following:

- 1st trip to conduct stakeholders meetings, as well to start with necessary local research;

- 2nd trip to continue with stakeholders consultations if necessary, to conduct work meetings with the GOS/Legal task force of MTI on the draft legislation (start with identified secondary legislation); start of training and awareness;
- 3rd trip continue training and awareness;
- 4rd finalize training and awareness; presentation of the final report and draft model law to the GOS.

8. Qualifications

8.1. Education:

- Advanced degree in law with emphasis on privacy and data protection;
- Trainings in the area of data protection will be an asset.

8.2. Experience:

- At least 5 years of professional experience in the legal field of data protection, preferably working in/with the public sector or an international organization;
- At least 5 years of professional experience in development of legal documents, preferably in writing laws related to data protection and protection of privacy for countries that have little to no experience in this area and that are comparable to Suriname (size community, social structure);
- Experience in carrying out consultative research (using a variety of approaches) and in producing out high quality analytical reports;
- Knowledge of and experience with data protection issues will be an asset;
- Experience in stakeholders analysis and involvement;
- Proven track record for training in this area and designing of training material (among others a toolkit);
- Experience in creating and carrying out an awareness plan related to data protection and protection of privacy.

8.3. Competencies:

- Extensive knowledge of national legal frameworks in the area of data protection and protection of privacy;
- Extensive knowledge of international legislation on data protection in both civil law countries (esp. in the Netherlands and the Dutch Caribbean) and common law countries;
- Knowledge of the Surinamese legal system and strengths/weaknesses institutions;
- Good interpersonal and communication skills;
- Language: fluency in written and spoken English is required and speaking Dutch would be an asset;
- Good PC skills, ability to use the Internet.

9. Payment schedule

The consultant will receive a per diem for travel and accommodation for 4 Trips to Suriname, this amount will be included in the contract between the consultant and MTI.

The consultant will receive five (5) lump sum payments, as follows:

- 20% after signing the contract, submission of the inception report, the training plan and awareness plan;
- 20% after submission and approval of the midterm report;
- 20% after approval and submission of the first draft model law;
- 20 % after approval and submission of the report regarding training to identified groups and at the awareness activities;
- 20% on the submission and approval of the final draft model law and report.